

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 33 OF 2005

CATARINA FRANCISCA
FURTADO, BENAULIM GOA.

....Petitioner

Versus

SATURNINO RODRIGUES, COLVA GOA.

....Respondent

Shri C. Mascarenhas, Advocate for the Petitioner.
Mr. Agnelo F. Diniz, Advocate For Respondent

Coram:- D. D. SINHA, J.

Date:- 24th November, 2005

P.C.:

Heard Shri C. Mascarenhas, learned Advocate for the Petitioner and
Shri A. Diniz, learned Advocate for the Respondent.

2. Writ Petition is directed against the impugned Order dated 20.07.2004 passed by the Civil Judge S.D. whereby the application moved by the present petitioner/original plaintiff came to be rejected on the ground that enough adjournments were sought by the plaintiff and in any case more than stipulated under Order 17 of the Code of Civil Procedure.

3. The counsel for the respondent, on the basis of the roznama of the case, makes a categorical statement that the following adjournments were asked for by the petitioner and granted by the Civil Judge S.D. which are on 13.6.02, 17.8.02, 16.9.02, 28.4.03, 14.7.03 and 29.1.04. The learned counsel for the petitioner was asked whether the petitioner wants to contradict the above referred statement made by the learned counsel for the respondent. The learned counsel for the petitioner though stated that the plaintiff had sought only two adjournments in the matter, however was unable to contradict the dates referred to hereinabove given by the counsel

for the respondent.

4. In the light of the undisputed situation and as per the scheme of Order 17, the order impugned is just and proper and does not require any interference at the hands of this Court. Same is dismissed.

D. D. SINHA, J.

sl.